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E-filing

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

Jennifer Galantini
 1270 LaPlaya St., Apt. 102
 San Francisco, CA 94122

Case No.:

V 10 1091

Judge:

Plaintiff,

**COMPLAINT FOR DAMAGES
 UNDER THE FAIR DEBT
 COLLECTION PRACTICES ACT,
 ROSENTHAL FAIR DEBT
 COLLECTION PRACTICES ACT AND
 OTHER EQUITABLE RELIEF**

GC Services, Limited Partnership
 c/o CT Corporation System
 350 North St. Paul St.
 Dallas, TX 75201

JURY DEMAND ENDORSED HEREIN

Defendant.

JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692 and under the doctrine of Supplemental Jurisdiction pursuant to 28 U.S.C. §1367(a). Venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

FACTS COMMON TO ALL COUNTS

2. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
3. Plaintiff incurred a "debt" as defined by 15 U.S.C. §1692a(5).

- 1 4. At the time of the communications referenced herein, Defendant either owned the debt or
2 was retained by the owner to collect the debt.
- 3 5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).
- 4 6. Plaintiff filed this claim within the timeframe permitted under the FDCPA.
- 5 7. On or around January 31, 2010, Defendant telephoned Plaintiff at Plaintiff's place of
6 employment.
- 7 8. During this communication, Plaintiff notified Defendant that Plaintiff was not allowed to
8 receive Defendant's telephone calls at her place of employment and/or that it was
9 inconvenient for Plaintiff to receive Defendant's telephone calls at her place of employment.
- 10 9. Despite this notice, Defendant telephoned Plaintiff at Plaintiff's place of employment at least
11 2 more times thereafter.
- 12 10. During at least one of these communications, Plaintiff again notified Defendant that Plaintiff
13 was not allowed to receive Defendant's telephone calls at her place of employment and/or
14 that it was inconvenient for Plaintiff to receive Defendant's telephone calls at her place of
15 employment.
- 16 11. Defendant damaged Plaintiff emotionally and mentally and caused Plaintiff substantial
17 anxiety and stress.
- 18 12. Defendant violated the FDCPA.

19 **COUNT ONE**

20 **Violation of the Fair Debt Collection Practices Act**

- 21 13. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
- 22
- 23
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- 28

1 14. Defendant violated 15 U.S.C. §1692c by calling Plaintiff at Plaintiff's place of employment
2 after Defendant knew or had reason to know that Plaintiff's employer prohibited Plaintiff
3 from receiving Defendant's phone calls.
4

5
6 **COUNT TWO**

7 **Violation of the Fair Debt Collection Practices Act**

8 15. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

9 16. Defendant violated 15 U.S.C. §1692c by calling Plaintiff at a time and/or place known to be
10 inconvenient for Plaintiff.
11

12 **COUNT THREE**

13 **Violation of the Fair Debt Collection Practices Act**

14 17. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

15 18. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or
16 unconscionable means to collect the debt.
17

18 **COUNT FOUR**

19 **Violation of the Rosenthal Fair Debt Collection Practices Act**

20 19. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

21 20. In communicating with Plaintiff at Plaintiff's place of employment for purposes other than
22 verifying employment, obtaining location information, or effectuating a garnishment,
23 Defendant violated California Civil Code §§ 1788.12(a).
24

25 **JURY DEMAND**

26 21. Plaintiff demands a trial by jury.

27 **PRAYER FOR RELIEF**
28

22. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages pursuant to 15 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. Judgment against Defendant for actual damages pursuant to California Civil Code § 1788.30(a), statutory damages for a knowing or willful violation in an amount up to \$1,000 pursuant to California Civil Code § 1788.30(b); and reasonable attorneys' fees and costs pursuant to California Civil Code § 1788.30(c).
- c. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

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